

FEDERAL REGISTER

VOLUME 5 1934 NUMBER 213

Washington, Thursday, October 31, 1940

The President

EXECUTIVE ORDER

LABOR REGULATIONS

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States, I hereby prescribe the following regulations governing the employment of unclassified laborers in the executive civil service of the United States:

REGULATION I—APPLICABILITY OF REGULATIONS

SECTION 1. These regulations shall be applicable in such areas or localities or to such parts of the executive civil service as the Civil Service Commission may determine.

SECTION 2. It shall be the duty of all officers in the executive civil service to aid the Commission in all proper ways in carrying these regulations into effect.

REGULATION II—QUALIFICATION OF APPLICANTS

SECTION 1. Applicants for appointment as unclassified laborers must be citizens of or owe allegiance to the United States, be physically and mentally qualified, be of good character and habits, and must not have reached the retirement age applicable to them.

SECTION 2. An applicant may be rejected for any of the following reasons:

- (a) Dismissal from the service for delinquency or misconduct.
- (b) Physical or mental unfitness.
- (c) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct.
- (d) Intentionally making a false statement as to any material fact, or practicing any deception or fraud in securing examination, registration, certification, or appointment.
- (e) Refusal to furnish testimony in matters arising under the Civil Service Act, Civil Service Rules, or these regulations.
- (f) Habitual use of intoxicating beverages to excess.
- (g) Illegality of appointment applied for.

Any of the reasons stated in the foregoing subdivisions from (b) to (g), inclusive, shall also be sufficient cause for removal from the service.

SECTION 3. The political or religious opinions or affiliations of any applicant, eligible, or employee shall not be inquired into or considered, except as to such membership in political parties or organizations as constitutes by law a disqualification for government employment.

REGULATION III—METHOD OF RATING

Applicants shall be rated upon their physical ability to perform manual labor as determined by physicians designated by the Civil Service Commission and upon such preliminary tests as the Commission may prescribe. Where preliminary tests are given, ratings on physical ability will be assigned only to a sufficient number of those attaining the highest ratings in such tests to meet the needs of the service: *Provided*, That those entitled to priority under section 1 of Regulation IV hereof shall have their names entered at the head of the list, subject to the physical examination.

REGULATION IV—ELIGIBILITY

SECTION 1. The names of eligibles rated at 85 or more shall be registered by sex in order of their ratings on physical condition, except that the following shall have priority: (1) Honorably discharged soldiers, sailors, and marines. (2) The widows of honorably discharged soldiers, sailors, and marines. (3) Wives of honorably discharged soldiers, sailors, and marines who are not qualified because of service-connected disability or who are over 55 years of age and are not qualified because of disability.

SECTION 2. Eligibility shall be for one year, but the period may be extended by the Civil Service Commission for all those on any register if it is deemed inexpedient to hold a new examination.

SECTION 3. A laborer separated from the service without delinquency or misconduct may have his name restored to the register of eligibles in the discretion of the Commission for the remainder of his period of eligibility.

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REGULATION V—CERTIFICATION, APPOINTMENT, AND ASSIGNMENT

SECTION 1. No person who is to perform mere manual labor in areas or parts of the service where these regulations are in force shall be appointed otherwise than in accordance with these regulations, except that suitable registers for the classified service may be used to fill laborer positions. Unclassified laborers appointed from a classified register shall thereby acquire a classified status, but the position shall remain unclassified and subject to these regulations.

SECTION 2. When an appointment is desired, the employing officer shall request certification, specifying sex, duties, salary, and the duration of the employment. The highest three eligibles who have not already been considered three times by the employing officer shall be certified by the Civil Service Commission.

SECTION 3. Whenever there are less than three eligibles on the register, certification shall be made with a view to regular appointment. If the employing officer shall elect not to make regular appointment from such certification and temporary appointment is required, the eligible or eligibles shall be considered by the employing officer with a view to temporary appointment. Such temporary appointment, if made, may be continued until three eligibles are provided. If selection is not made from the certification for either regular or temporary appointment under this section, the temporary appointment may be made under Regulation VII hereof.

SECTION 4. An appointing officer who passes over an eligible veteran and selects a non-veteran shall file with the Civil Service Commission a statement setting forth in detail his reasons for so doing, which reasons shall not be made available to the veteran or to any one else except in the discretion of the appointing officer. The Commission shall review these reasons and in every instance in which they are not regarded as adequate shall so advise the head of the appropriate department or independent establishment for his consideration.

SECTION 5. The person selected shall be duly notified by the employing officer and shall be given a full and fair trial.

SECTION 6. A laborer with an unclassified status may not be appointed to a

classified position except through open competitive examination, nor assigned to the duties of such position except incidentally and then only with the prior approval of the Commission or the district manager of the appropriate civil service district. A laborer with an unclassified status may not be promoted to a classified position except through open competitive examination, or with the approval of the Civil Service Commission in accordance with the provisions of Schedule B of the Civil Service Rules, or as may otherwise be provided by regulation of the Civil Service Commission.

REGULATION VI—DEMOTION FROM CLASSIFIED POSITIONS

A classified employee may be placed in an unclassified laborer position (with corresponding change in designation) upon certificate of the Civil Service Commission, subject to the passing of a strength test given by the Civil Service Commission, which test may be waived by agreement between the appointing officer and the Commission. In the field service, a classified employee occupying a non-educational position may be placed in an unclassified position (with corresponding change in designation) upon authority of the manager of the appropriate civil service district.

REGULATION VII—TEMPORARY APPOINTMENT

SECTION 1. Temporary appointment shall be made from the highest three eligibles willing to accept for the duration of the employment specified, and the name of the eligible selected shall remain on the register for regular appointment.

SECTION 2. Whenever there are no eligibles upon the register and the public interest requires that the vacancy be filled before eligibles can be provided by the Civil Service Commission, the Commission or district manager of the appropriate civil service district may authorize temporary appointment without examination. Such appointment, if made, shall continue only for such period as may be necessary for making appointment through certification, and in no case, without prior approval of the Commission, shall extend beyond thirty days from the date of the receipt by the appointing officer of the Commission's certification of eligibles.

SECTION 3. When a position must be filled immediately to meet an emergency and time does not permit the securing of the prior approval of the Commission or district manager, temporary appointment may be made of a suitably qualified available person. This provision shall not apply to positions in Washington, D. C., or in cities in which district managers' headquarters are located. No person shall be thus employed for more than thirty calendar days in any period of twelve months unless specifically authorized by the Commission or district manager.

REGULATION VIII—REINSTATEMENT

SECTION 1. A person separated without delinquency, misconduct, or inefficiency from a field-service position under these regulations may be reemployed under the same department or independent agency within one year without certificate of the Civil Service Commission.

SECTION 2. Except as provided in section 1 of this Regulation, a person separated from the service under these regulations may be reinstated upon certificate of the Commission, subject to the following limitations:

(a) Reinstatement may be made upon requisition by the appointing officer having a vacancy to fill: *Provided*, That such requisition is made within one year of separation if the period of service was less than two years, within two years if the period of service was two years or more but less than three years, within three years if the period of service was three years or more but less than four years, within four years if the period of service was four years or more but less than five years, and without time limit if the period of service was five years or more: *Provided further*, That the applicant is otherwise eligible under the provisions of the Executive Order of June 2, 1920, relating to the reinstatement of employees: *Provided further*, That the time limit may be waived in the case of reinstatements to positions in Federal agencies concerned with preparedness and the national-defense program.

(b) A former unclassified employee entitled to military preference in registration and appointment may be reinstated without time limit.

(c) A former unclassified employee retired upon annuity under the Civil Service Retirement Act by reason of total disability who is eligible for reinstatement by reason of recovery and termination of annuity, shall be eligible for reinstatement, subject to the conditions and limitations of these regulations.

(d) No person may be reinstated to a position under these regulations who did not have a status thereunder at the time of separation, or who was not eligible for such status through examination.

(e) No person may be reinstated to a position under these regulations without passing an appropriate non-competitive examination testing fully his fitness for the position when the Commission shall so require.

REGULATION IX—TRANSFER

After he has completed six months of service, an unclassified laborer may be transferred to another department or agency upon certificate of the Commission.

REGULATION X—PROMOTION

A person employed under these regulations may not be promoted, except where general authority has been granted by the Commission, until he has completed six months of service, unless his name was within reach for appointment

at the higher salary at time of appointment or would have been so within reach had it remained on the register.

REGULATION XI—REMOVAL

SECTION 1. No unclassified laborer other than temporary shall be removed from the service except for such cause as in the judgment of the employing officer will promote the efficiency of the service, and no trial or hearing shall be required except at the discretion of such officer.

SECTION 2. The reasons for each removal shall be made of record in the office in which the person is serving and shall be open to the inspection of the Commission.

SECTION 3. In harmony with statutory provisions, when reductions are being made in the force no unclassified laborer entitled to military preference in appointment shall be discharged, dropped, or reduced in rank or salary before any employee not entitled to military preference in competition with him if his record is good; nor shall any unclassified laborer entitled to military preference in appointment be discharged, dropped, or reduced in rank or salary before any employee not entitled to military preference in competition with him if his efficiency rating is better than, or equal to, that of such non-preference employee.

REGULATION XII—INCLUSION IN THE UNCLASSIFIED SERVICE

A person holding a position when it becomes subject to these regulations shall, upon recommendation to the Commission by the head of the department or establishment in which he is employed, acquire a status hereunder subject to the following conditions:

(a) That he was appointed at least six months prior to the effective date of the application of the regulations.

(b) That he shall qualify in such appropriate non-competitive examination as the Commission may prescribe.

(c) That he is not disqualified by any provision of these regulations or of the Civil Service Act or of any other statute, or Executive order.

Any such person who fails to meet the above-stated conditions may, in the discretion of the head of the department or agency concerned, be retained without acquiring such a status.

REGULATION XIII—REPORT OF CHANGES

Appointments and changes under these regulations shall be reported to the Civil Service Commission in accordance with the provisions of Civil Service Rule XIII. The designation should be shown as "unclassified laborer."

REGULATION XIV—SUPPLEMENTARY REGULATIONS

The Civil Service Commission may prescribe supplementary regulations not inconsistent herewith necessary for the administration of these regulations.

This order supersedes the Executive order of June 5, 1922, prescribing regulations governing the employment of unclassified laborers in the executive civil service, and all orders amendatory thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 29, 1940.

[No. 8576]

[F. R. Doc. 40-4638; Filed, October 30, 1940; 9:25 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to valid existing rights, it is ordered that the following-described public land at Kotzebue, Alaska, be, and it is hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for the use of the War Department as a radio-station site:

Beginning at corner No. 1, from which corner No. 7, U.S. Survey No. 2082, Friends Mission Reserve, latitude 66°53' N., longitude 162°38'30" W., bears S. 44°05' W., 2.62 chains.

From corner No. 1, by metes and bounds,

N. 44°05' E., 3.00 chains, along line 7-8, U.S. Survey No. 2082, to corner No. 2;

N. 45°55' W., 4.00 chains to corner No. 3;

S. 44°05' W., 3.00 chains to corner No. 4;

S. 45°55' E., 4.00 chains to corner No. 1, the place of beginning; containing 1.2 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 29, 1940.

[No. 8577]

[F. R. Doc. 40-4640; Filed, October 30, 1940; 9:25 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS AN AERIAL BOMBING AND GUNNERY RANGE

NEVADA

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights, all the public land within the following-described area be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War De-

partment as an aerial bombing and gunnery range:

Mount Diablo Meridian

Beginning at the corner of secs. 7, 12, 13 and 18, Ts. 2, N., Rs. 45 and 46 E.;

Thence easterly along section lines approximately 38 miles to the corner of secs. 7, 12, 13 and 18, Ts. 2 N., Rs. 51½ and 52 E.;

Thence north approximately 1 mile;

Thence east approximately 18 miles to the corner of secs. 7, 12, 13 and 18, Ts. 2 N., Rs. 54 and 55 E.;

Thence south to the southeast corner of T. 1 N., R. 54 E.;

Thence east to the northeast corner of T. 1 S., R. 55 E.;

Thence south to the southeast corner of T. 1 S., R. 55 E.;

Thence easterly to the northeast corner of T. 2 S., R. 56 E.;

Thence southerly approximately 78 miles to the point for the southeast corner of T. 14 S., R. 56 E.;

Thence westerly to the southwest corner of T. 14 S., R. 50 E.;

Thence north to the northwest corner of T. 13 S., R. 50 E.;

Thence west along the 3rd Standard Parallel South to the southwest corner of T. 12 S., R. 48 E.;

Thence north along the line between ranges 47 and 48 east to the southeast corner of T. 6 S., R. 47 E.;

Thence westerly to the southwest corner of T. 6 S., R. 47 E.;

Thence north to the northwest corner of T. 6 S., R. 47 E.;

Thence westerly to the southwest corner of T. 5 S., R. 46 E.;

Thence north along the line between ranges 45 and 46 east approximately 40 miles to the corner of secs. 7, 12, 13 and 18, T. 2 N., Rs. 45 and 46 E., and the place of beginning;

containing approximately 3,560,000 acres.

The withdrawal made by this order shall take precedence over, but shall not rescind or revoke, as to any of the land affected thereby in the above-described area, the withdrawals made by Executive Order No. 6910 of November 26, 1934, as amended, and Executive Order No. 7373 of May 20, 1936, withdrawing certain lands for wildlife and other purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 29, 1940.

[No. 8578]

[F. R. Doc. 40-4639; Filed, October 30, 1940; 9:25 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS AN AERIAL BOMBING AND GUNNERY RANGE

UTAH

By virtue of the authority vested in me by section 1 of the act of July 9, 1918,

c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights, all the public land within the following-described area be, and it is hereby, withdrawn from all forms of appropriation under the public land laws, including the mining laws, and reserved for the use of the War Department as an aerial bombing and gunnery range:

Salt Lake Meridian

Beginning at the meander corner of sec. 36, T. 6 N., R. 9 W., on the shore of Great Salt Lake;

Thence west to the quarter-section corner of secs. 2 and 35, Ts. 5 and 6 N., R. 13 W.;

Thence southerly to the corner of secs. 2, 3, 34 and 35, Ts. 3 and 4 N., R. 13 W.;

Thence westerly to the northwest corner of T. 3 N., R. 14 W.;

Thence southerly to the northeast corner of sec. 24, T. 1 S., R. 15 W.;

Thence westerly along section lines to the corner of secs. 13, 18, 19 and 24, Ts. 1 S., Rs. 17 and 18 W.;

Thence southerly between ranges 17 and 18 west, approximately 27 miles to the southwest corner of T. 5 S., R. 17 W.;

Thence easterly to the northeast corner of T. 6 S., R. 17 W.;

Thence southerly between ranges 16 and 17 west, approximately 30 miles to the southwest corner of T. 10 S., R. 16 W.;

Thence east along the Second Standard Parallel South to the southeast corner of T. 10 S., R. 13 W.;

Thence north to the corner of Ts. 8 and 9 S., Rs. 12 and 13 W.;

Thence east to the corner of secs. 3, 4, 33 and 34, Ts. 8 and 9 S., R. 12 W.;

Thence north along section lines to the corner of secs. 3, 4, 33 and 34, Ts. 7 and 8 S., R. 12 W.;

Thence east to the southeast corner of T. 7 S., R. 12 W.;

Thence northerly between ranges 11 and 12 west, approximately 60 miles to the northeast corner of T. 3 N., R. 12 W.;

Thence easterly along township lines to the meander corner of sec. 4, T. 3 N., R. 9 W., on the shore of Great Salt Lake;

Thence northeasterly along the shore of Great Salt Lake to the meander corner of sec. 36, T. 6 N., R. 9 W., and the place of beginning;

containing approximately 1,560,000 acres.

The withdrawal made by this order shall take precedence over, but shall not rescind or revoke, as to any of the land affected thereby in the above-described area, the withdrawals made by Executive Order No. 6910 of November 26, 1934, as amended, Executive Order of June 14, 1921, creating Public Water Reserve No. 78, Executive Order of February 19, 1926, creating Public Water Reserve No. 103, Utah No. 17, and Executive Order No.

4872 of May 3, 1928, for the maintenance of air-navigation facilities.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 29, 1940.

[No. 8579]

[F. R. Doc. 40-4641; Filed, October 30, 1940; 9:25 a. m.]

EXECUTIVE ORDER

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1941

By virtue of the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, it is ordered that the periods of trust applying to any Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1941, be, and they are hereby, extended for a further period of 25 years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

October 29, 1940.

[No. 8580]

[F. R. Doc. 40-4642; Filed, October 30, 1940; 9:25 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARD AND LIVE POULTRY MARKETS

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

OCTOBER 30, 1940.

TO MONTEVIDEO LIVE STOCK SALES, INC.,
Montevideo, Minn.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. sec. 202 (b)), it has been ascertained by me that the stockyard known as the Montevideo Live Stock Sales at Montevideo, State of Minnesota, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. secs. 203 and 207) and other pertinent provisions of said

¹ Modifies list posted stockyards 9 CFR 204.1.

Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] PAUL H. APPELEY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4656; Filed, October 30, 1940;
11:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2327]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE FAIRFACTS COMPANY

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer.* Representing, in connection with offer, etc., in commerce, of bathroom fixtures, through the use of the word "manufacturers" or through the use of any word or terms of similar import or meaning, or through any means or device or in any manner, that respondent is the manufacturer of the products sold by it, unless and until respondent actually owns and operates, or directly and absolutely controls a manufacturing plant wherein said products are manufactured by it, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, the Fairfacts Company, Docket 2327, October 23, 1940]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before Robert S. Hall and John W. Addison, Examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by Morton Nesmith for the Commission [the respondent not having filed brief, and oral argument not having been requested], and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Fairfacts Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bathroom fixtures in commerce as "commerce" is defined in the Federal Trade

Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the word "manufacturers" or through the use of any word or terms of similar import or meaning, or through any means or device or in any manner, that respondent is the manufacturer of the products sold by it, unless and until respondent actually owns and operates, or directly and absolutely controls a manufacturing plant wherein said products are manufactured by it.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, forward to the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4652; Filed, October 30, 1940;
11:26 a. m.]

[Docket No. 4262]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLITO COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's drug preparations advertised under the name "Clito", and designated respectively as "Clito Emmenagogue Capsules" and as "Rayo De Sol", or of any other similar preparations, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisement represents, directly or through inference, that said preparation designated as "Clito Emmenagogue Capsules" is a safe, competent or effective treatment for delayed menstruation; or that said preparation designated as "Rayo De Sol" is a cure or remedy for cataracts, cloudiness of vision, film carnosity, ulcers, and inflammation of the eyes, or has any value in the treatment of such conditions; or which advertisement of "Clito Emmenagogue Capsules" fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy, may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Clito Company, Docket 4262, October 23, 1940]

In the Matter of Rene P. Balditt, an Individual Trading as Clito Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of October, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Rene P. Balditt, an individual, trading as Clito Company, or trading under any other name or names, his agents, representatives, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his drug preparations advertised under the name "Clito," and designated respectively as "Clito Emmenagogue Capsules" and as "Rayo De Sol", or of any other preparations composed of substantially similar ingredients or possessing substantially the same properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation, designated as "Clito Emmenagogue Capsules", is a safe, competent or effective treatment for delayed menstruation; or which advertisement represents, directly or through inference, that said preparation, designated as "Rayo De Sol", is a cure or remedy for cataracts, cloudiness of vision, film carnosity, ulcers, and inflammation of the eyes, or has any value in the treatment of such conditions; or which advertisement of "Clito Emmenagogue Capsules" fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy, may cause uterine infection and blood poisoning;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, "Clito Emmenagogue Capsules" and "Rayo De Sol", which advertisement contains any of the representations pro-

¹ 4 F.R. 537.

hibited in paragraph 1 hereof, or which advertisement of "Clito Emmenagogue Capsules" fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in case of pregnancy may cause uterine infection and blood poisoning.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order file with the Commission an interim report in writing, stating whether he intends to comply with this order and, if so, the manner and form in which he intends to comply; and that within sixty (60) days after service upon him of this order said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4653; Filed, October 30, 1940;
11:27 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

DEFINITION OF TERMS USED IN THE RULES AND REGULATIONS; AND GENERAL REQUIREMENTS OF PAPERS AND APPLICATIONS

Acting pursuant to the Investment Company Act of 1940, particularly sections 38 (a) and 40 (b) thereof, and deeming such action appropriate to the exercise of the powers conferred and the duties imposed upon it in said Act, the Securities and Exchange Commission hereby adopts § 270.1 [Rule N-1] and § 270.2 [Rule N-2] to read as follows:

§ 270.1 *Definition of terms used in the rules and regulations.* (a) As used in the rules and regulations prescribed by the Commission pursuant to the Investment Company Act of 1940, unless the context otherwise requires—

(1) The term "Commission" means the Securities and Exchange Commission.

(2) The term "Act" means the Investment Company Act of 1940.

(3) The term "section" refers to a section of the Act.

(4) The terms "rule" and "regulations" refer to the rules and regulations adopted by the Commission pursuant to the Act.

(b) Unless otherwise specifically provided, the terms used in the rules and regulations shall have the meaning defined in the Act.

(c) A rule or regulation which defines a term without express reference to the Act or to the rules and regulations, or to a portion thereof, defines such terms for all purposes as used both in the Act

and in the rules and regulations, unless the context otherwise requires. (Pub. 768—76th Congress) [Gen. Rules and Regs., Rule N-1, effective November 1, 1940.]

§ 270.2 *General requirements of papers and applications—*(a) *Filing of papers.* All papers required to be filed with the Commission shall, unless otherwise provided by the rules and regulations, be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, D. C. Except as otherwise provided by the rules and regulations, such papers shall be deemed to have been filed with the Securities and Exchange Commission on the date when they are actually received by it.

(b) *Formal specifications respecting applications.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in triplicate. One copy shall be signed by the applicant but the other two copies may have facsimile or typed signatures. Such applications should be on paper approximately 8½ by 13 inches in size, except that tables, charts, and other documents may be larger if folded to approximately that size. The left margin should be at least 1½ inches wide, and if the application is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photocopying.

(c) *Authorizations respecting applications.* (1) Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and which is executed by a corporation, partnership, or other company and filed with the Commission, shall contain a concise statement of the applicable provisions of the articles of incorporation, bylaws, or similar documents, relating to the right of the person signing and filing such application to take such action on behalf of the applicant, and a statement that all such requirements have been complied with and that the person signing and filing the same is fully authorized to do so. If such authorization is dependent on resolutions of stockholders, directors, or other bodies, such resolutions shall be attached as an exhibit to, or the pertinent provisions thereof shall be quoted in, the application.

(2) If an amendment to any such application shall be filed, such amendment shall contain a similar statement or, in lieu thereof, shall state that the authorization described in the original application is applicable to the individual who signs such amendment and that such authorization still remains in effect.

(3) When any such application or amendment is signed by an agent or attorney, the power of attorney evidencing his authority to sign shall contain similar statements and shall be filed with the Commission.

(d) *Verification of applications and statements of fact.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and every amendment to such application, and every statement of fact formally filed in support of, or in opposition to, any application or declaration shall be verified by the person executing the same. An instrument executed on behalf of a corporation shall be verified in substantially the following form, but suitable changes may be made in such form for other kinds of companies and for individuals:

State of _____
County of _____, ss:
The undersigned being duly sworn deposes and says that he has duly executed the attached _____ dated _____
19____ for and on behalf of _____;
(Name of Company)
that he is the _____ of such
(Title of Officer)
company; and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument has been taken. Deponent further says that he is familiar with such instrument, and the contents thereof, and that the facts therein set forth are true to the best of his knowledge, information and belief.

(Signature)

(Type or print name beneath)

Subscribed and sworn to before me a

this _____ day of _____

(Title of Officer)

19____

[OFFICIAL SEAL]

My commission expires _____

(e) *Statement of grounds for application.* Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the rules and regulations under which application is made.

(f) *The application as evidence.* Any application may state that the applicant offers the application in evidence pursuant to this paragraph of this rule at any hearing on such application. If such offer is made, the application shall be received in evidence at the hearing as proof in support of the allegations therein without the necessity of the applicant appearing and introducing further evidence, unless—

(1) Counsel for the Commission objects; or

(2) Objection is made on behalf of any interested State commission, State agency, any representative of interested security holders; or any person having a bona fide interest in such proceeding appears and objects.

If counsel for the Commission intends to object to the admission in evidence of the application or in advance of the hearing date is apprised of the intention of any person having a bona fide interest in the proceeding to appear in opposition to the application, he shall promptly advise the applicant thereof. If such objection or opposition is first made at such

time that seasonable notice thereof cannot be given to the applicant, and the applicant does not appear, the hearing shall be continued to permit the applicant to appear and support its application at the adjourned date thereof. Unless the Commission otherwise directs, the application shall be dismissed if the applicant fails to appear and support its application after it has been notified by counsel for the Commission of such objection or opposition. Nothing in this paragraph shall be construed as preventing the receipt in evidence of any document or other evidence duly tendered at any hearing for a purpose for which it would be appropriate and competent apart from the provisions of this paragraph.

An acceptable statement offering an application in evidence pursuant to this paragraph is as follows:

Consent to Use of This Document in Evidence

Pursuant to § 270.2 (f) [Rule N-2 (f)], the company hereby offers this application and all exhibits hereto and all amendments hereof hereafter made, in evidence at any hearing with respect to the action herein sought, and requests that the original, a duplicate original, or a photo copy of this application and any and all amendments hereof, whether executed hereafter or concurrently herewith, be offered in evidence on behalf of the company and be received in evidence as an exhibit of the company in any such proceeding before the Securities and Exchange Commission, or any officer thereof or any Trial Examiner designated thereby, and that the verification of this application and any amendment hereof be considered as if the person signing such verification had personally appeared and testified orally under oath, duly administered, in any such proceeding to the statements contained in such verification. (Pub. 768—76th Congress) [Gen. Rules and Regs., Rule N-2, effective November 1, 1940]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4634; Filed, October 29, 1940;
3:36 p. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

CUSTODY OF SECURITIES WITH MEMBERS OF NATIONAL SECURITIES EXCHANGES

Acting pursuant to the Investment Company Act of 1940, particularly sections 38 (a) and 17 (f) thereof, and deeming such action appropriate to the exercise of the powers conferred and the duties imposed upon it in said Act, the Securities and Exchange Commission hereby adopts § 270.17f-1 [Rule N-17F-1] to read as follows:

§ 270.17f-1 *Custody of securities with members of national securities exchanges.*

(a) No registered management investment company shall place or maintain any of its securities or similar investments in the custody of a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934 (whether or not such company trades in securities for its own account) except pursuant to a written contract which shall have been approved, or if executed before January 1, 1941, shall have been ratified not later than that date, by a majority of the board of directors of such investment company.

(b) The contract shall require, and the securities and investments shall be maintained in accordance with the following:

(1) The securities and similar investments held in such custody shall at all times be individually segregated from the securities and investments of any other person and marked in such manner as to clearly identify them as the property of such registered management company, both upon physical inspection thereof and upon examination of the books of the custodian. The physical segregation and marking of such securities and investments may be accomplished by putting them in separate containers bearing the name of such registered management investment company or by attaching tags or labels to such securities and investments.

(2) The custodian shall have no power or authority to assign, hypothecate, pledge or otherwise dispose of any such securities and investments, except pursuant to the direction of such registered management company and only for the account of such registered investment company.

(3) Such securities and investments shall be subject to no lien or charge of any kind in favor of the custodian or any persons claiming through the custodian.

(4) Such securities and investments shall be verified by actual examination at the end of each annual and semi-annual fiscal period by an independent public accountant retained by the registered management investment company, and shall be examined by such accountant at least one other time, chosen by him, during the fiscal year. Certificates of such independent public accountant stating that he has made an examination of such securities and investments, and describing the nature of the examination, shall be transmitted to the Commission promptly after each such examination.

(5) Such securities and investments shall, at all times, be subject to inspection by the Commission through its employees or agents.

(6) The provisions of (1), (2) and (3) shall not apply to securities and similar investments bought for or sold to such investment company by the company which is custodian until the securities have been reduced to the physical possession of the custodian and have been

paid for by such investment company: *Provided*, That the company which is custodian shall take possession of such securities at the earliest practicable time. Nothing in this subparagraph shall be construed to relieve any company which is a member of a national securities exchange of any obligation under existing law or under the rules of any national securities exchange.

(c) A copy of any contract executed or ratified pursuant to paragraph (a) shall be transmitted to the Commission promptly after execution or ratification unless it has been previously transmitted.

(d) Any contract executed or ratified pursuant to paragraph (a) shall be ratified by the board of directors of the registered management investment company at least annually thereafter. (Pub. 768—76th Cong.) [Gen. Rules & Regs., Rule N-17F-1, effective November 1, 1940]

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4661; Filed, October 30, 1940;
11:51 a. m.]

**TITLE 22—FOREIGN RELATIONS
CHAPTER I—DEPARTMENT OF STATE**

SUBCHAPTER C—NEUTRALITY

PART 156—TRAVEL

Additional Regulations

§ 156.7 *Airplanes belonging to Pan American Airways, Incorporated, etc.* Airplanes belonging to Pan American Airways, Incorporated, and American citizens, members of the crew or passengers, traveling thereon, when proceeding between Lisbon and African ports south of 30° north latitude, may henceforth proceed into and through that portion of the combat area defined by the President in his proclamation numbered 2410, of June 11, 1940, which is bounded as follows:

Beginning at the intersection of the coast of Portugal with the meridian of 8°55' west longitude;

Thence due south to the parallel of 33°10' north latitude;

Thence due west to the meridian of 20° west longitude;

Thence due north to the parallel of 37°05' north latitude;

Thence due east to the coast of Portugal.

(54 Stat. 7; 22 U.S.C., Supp. V, 245j-2; Proc. No. 2410, June 11, 1940)

CORDELL HULL,
Secretary of State.

OCTOBER 23, 1940.

[F. R. Doc. 40-4649; Filed, October 30, 1940;
11:21 a. m.]

¹ 5 F.R. 2209.

TITLE 26—INTERNAL REVENUE CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5018]

PART 464A—INSOLVENT BANKS

Section 464A.5 (b)¹ of Treasury Decision 4958 [Part 464A, Title 26, Code of Federal Regulations, 1939 Sup.] is amended by striking out the second paragraph thereof.

(This Treasury decision is prescribed pursuant to sections 3791 and 3798 of the Internal Revenue Code as amended by section 406 of the Revenue Act of 1939 (53 Stat. 467, 470, 884).)

TIMOTHY C. MOONEY,
Acting Commissioner
of Internal Revenue.

Approved: October 26, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-4647; Filed, October 30, 1940;
10:21 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. 898-FD]

ORDER MAKING CHANGES IN TERRITORIAL BOUNDARIES OR LIMITS OF DISTRICTS NOS. 1, 2, 7, 8, 9, 13, 15, 17, AND 18 AND MINIMUM PRICE AREAS NOS. 1 AND 3

The Director, on August 30, 1939, having issued a Notice of and Order for Hearing and Tentative Proposals, such Hearing to be held before a duly designated Examiner of the Bituminous Coal Division on September 25, 1939, in a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., for the purpose of receiving evidence to determine if the territorial boundaries or limits of Districts Nos. 2, 7, 8, 9, 13, and 15 and Minimum Price Areas Nos. 1 and 3 as the same are set forth in the Bituminous Coal Act of 1937, should be changed, or if a division or consolidation of such Districts or Minimum Price Areas should be made; and, on September 18, 1939, having issued a Notice of Postponement of Hearing and additional tentative Proposals pertaining to Districts Nos. 2, 7, 8, 9, 17, 18, and 19, in which notice the hearing to be held September 25, 1939, was postponed to October 16, 1939; and further, on October 10, 1939, having issued a Supplemental Notice of Tentative Proposals pertaining to Districts Nos. 1 and 2 in addition to the matters noticed in the above-mentioned orders; and

Reasonable public notice of the several Notices and Orders and Tentative proposals aforementioned having been duly given; and

A hearing having been duly held and investigation having been had on the several tentative proposals, herein referred to, on the date and at the place designated in the Notice of Postponement of Hearing, at which hearing all interested parties were accorded an opportunity to be heard; and

The Examiner, on February 9, 1940, having made and submitted his Report in this matter to the Director of the Division, containing his proposed Findings of Fact and Conclusions thereon and the recommendation of an appropriate order in the premises, to which Report no exceptions were filed with the Director by any interested persons; and

Upon consideration of the entire record in this proceeding, the Director approves and adopts the Findings of Fact contained in the Examiner's Report, and they are hereby incorporated in this Order and made a part hereof. The Director finds that the changes and clarifications in the territorial boundaries and limits of the respective Districts and Minimum Price Areas, hereafter described, are necessary to make it substantially practicable to establish minimum prices in accordance with all the standards of the Act, are reasonable and necessary for the most effective administration of the Bituminous Coal Act of 1937 and will reduce or eliminate many difficulties encountered in General Docket No. 15 in establishing minimum prices for these Districts and Minimum Price Areas as presently constituted. Such changes do not affect any determination of minimum prices heretofore made but simplify and make more practicable the enforcement of the Act and the determination in future proceedings of effective minimum prices in accordance with the standards set forth in Section 4 II (a) and (b) of the Act.

It is ordered, That the following changes and clarifications¹ in the territorial boundaries or limits of the Districts and Minimum Price Areas named hereinbelow, as the same are described in the Bituminous Coal Act of 1937, be and the same are hereby made effective at the end of 10 days from the date of this order:

PART 304—BITUMINOUS COAL CODE

The first paragraph of the minimum-price-area table in § 304.2 (a) is amended to read as follows:

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern numbered 1, district 7; Southern numbered 2, district 8.

The third paragraph of the minimum-price-area table in § 304.2 (a) is amended to read as follows:

Area 3: Southeastern, district 13.

¹ Issued pursuant to the authority contained in Section 4 I (a), 50 Stat. 77; 15 U.S.C. Supp., 832 (a).

The first paragraph of § 304.401 *Eastern Pennsylvania*, District 1, is amended by adding the following named county: Warren.

The second paragraph of § 304.401 *Eastern Pennsylvania*, District 1, is amended to read as follows:

Armstrong County, all mines on and served by the P. & S. R. R. on the west bank of the Allegheny River and all mines east of the Allegheny River except those mines on and served by the Conemaugh Division of the Pennsylvania Railroad.

The first paragraph of § 304.402 *Western Pennsylvania*, District 2, is amended by adding the following named county: Crawford.

The second paragraph of § 304.402 *Western Pennsylvania*, District 2, is amended to read as follows:

Armstrong County, all mines on and served by the Conemaugh Division of the Pennsylvania Railroad, and all mines west of the Allegheny River, excluding those mines on and served by P. & S. R. R.

The sixth paragraph of § 304.407 *Southern Numbered 1*, District 7, is amended by adding the following named counties: Roanoke, Chesterfield, Henrico, Powhatan.

The tenth paragraph of § 304.408 *Southern Numbered 2*, District 8, is amended by adding the following named counties: Estill, Powell, Lewis, Rowan, Clinton, Madison, Menifee, Pulaski, and Wolfe.

The eleventh paragraph of § 304.408 *Southern Numbered 2*, District 8, is amended by adding the following named counties: Putnam and Pickett.

§ 304.409 *West Kentucky*, District 9, is amended by adding the following named counties: Edmonson and Caldwell.

The second paragraph of § 304.413 *Southeastern*, District 13, is amended by adding the following named county: Chattooga.

The third paragraph of § 304.413 *Southeastern*, District 13, is amended by adding the following named county: Franklin.

The second paragraph of § 304.415 *Southwestern*, District 15, is amended by adding the following named counties: Nowata and McIntosh.

The second paragraph of § 304.417 *Southern Colorado*, District 17, is amended to read as follows: The following county in New Mexico: Colfax County.

The first paragraph of § 304.418 *New Mexico*, District 18, is amended to read as follows: All coal producing counties in the State of New Mexico except Colfax County.

PART 313—COMMERCE SUBJECT TO ACT: SECTION 4-A

§ 313.7 *Applications for exemption: Applicability of Rule in Docket 17.* It is further ordered, That until the end of thirty days from the effective date of this order, the Rule established by Order

¹⁴ F.R. 4971.

of October 17, 1939, in Docket 17, which provides that:

All applications seeking exemption pursuant to the provisions of the second paragraph of section 4-A should be filed within the following periods of time:

(1) If the commerce covered by the application exists upon the effective date of this rule, not more than thirty (30) days after such date.

(2) If the commerce covered by the application is entered into after the effective date of this rule, but before the effective date of minimum prices, not more than thirty (30) days after the date such commerce is entered into.

Any application which is filed after the periods herein specified will be presumed not to have been filed in good faith.

shall not be applicable to applications for exemption pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937 filed by producers in Armstrong, Crawford, and Warren Counties, Pennsylvania; Roanoke, Chesterfield, Henrico, and Powhatan Counties, Virginia; Estill, Powell, Lewis, Rowan, Clinton, Madison, Menifee, Pulaski, Wolfe, Edmonson, and Caldwell Counties, Kentucky; Putnam, Pickett, and Franklin Counties, Tennessee; Chattooga County, Georgia; and Nowata and McIntosh Counties, Oklahoma.*

Dated: October 23, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-4505; Filed, October 24, 1940; 12:54 p. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 27, Supp. No. 2]

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

General Order No. 27 (46 C.F.R., 1938, Supp., § 281.2) as amended (5 F.R. 3644) is hereby further amended, as follows:

Paragraph (a) *Voyage terminations*, of § 281.2 *Method of terminating voyages and determining lay-up periods*, is amended by inserting before the first sentence thereof the phrase

Subject to the provisions with respect to extension of voyage periods hereinafter set forth under the caption "Lay-up Periods,"

Paragraph (b) *Lay-up periods*, of § 281.2 *Method of terminating voyages and determining lay-up periods*, is amended by changing the period at the

end of the first sentence thereof to a semicolon and adding thereafter the words

provided, that if the vessel has been undergoing repairs during part of such period, the period prior to completion of the repairs and commencement of loading shall be included in the preceding voyage and the commencement of the new voyage shall be antedated only to the time of completion of such repairs, or to the commencement of loading, whichever first occurs. (§ 281.2, as presently amended, issued under authority contained in secs. 601-610, 49 Stat. 2001-2007; 46 U.S.C. Supp. 1171-1180.) [The source of § 281.2 as presently amended is General Order No. 27, Supplement No. 2, approved by the Commission October 29, 1940]

By order of the United States Maritime Commission.

W. C. PEET, Jr.,
Secretary.

OCTOBER 29, 1940.

[F. R. Doc. 40-4648; Filed, October 30, 1940; 10:22 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF APPLICATIONS FOR AUTHORITY TO CONSOLIDATE OR MERGE THE PROPERTIES OR FRANCHISES, OR ANY PART THEREOF, OF TWO OR MORE CARRIERS SUBJECT TO PART I OR PART III OF THE INTERSTATE COMMERCE ACT, OR TO PURCHASE, LEASE, OR CONTRACT TO OPERATE THE PROPERTIES, OR ANY PART THEREOF, OF SUCH A CARRIER, OR FOR ACQUISITION OF CONTROL OF SUCH A CARRIER THROUGH OWNERSHIP OF ITS STOCK, OR OTHERWISE, OR FOR ACQUISITION BY A CARRIER BY RAILROAD OF TRackage RIGHTS OVER, OR JOINT OWNERSHIP IN OR JOINT USE OF, ANY RAILROAD LINE OR LINES OWNED OR OPERATED BY ANY OTHER SUCH CARRIER, AND TERMINALS INCIDENTAL THERETO

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 14th day of October, A. D. 1940.

The matter of applications under the above title being under consideration:

It is ordered, That applications under section 5 (2) of the Interstate Commerce Act involving carriers other than motor carriers shall show in the title thereof the nature of the proposed transaction and shall set forth, in the sequence indicated, the following information:

I. CONTENTS OF APPLICATION

(a) *Identification of applicant, or of each applicant, if there are two or more applicants, showing:*

1. Full and correct name of applicant and the business address of applicant

(street and number, city, county and State).

2. Whether applicant is an individual, firm, copartnership, corporation, company, association, joint stock company, trustee, receiver, assignee, or other personal representative, and trade name or style, if any, under which applicant is doing business.

3. Whether applicant is a carrier by railroad or an express company subject to part I of the Act, or a water carrier subject to part III of the Act, or a person which is not a carrier subject to the Act.

4. State or States in which any part of the property of the carrier or carriers involved is situated, and, in case of a water carrier, in which any port served by such carrier is located.

5. The name, title, and business address of the officer or officers to whom correspondence with respect to the application should be addressed.

6. If applicant or other party to the transaction has been authorized by the Interstate Commerce Commission to engage in interstate or foreign commerce, the date of the certificate, permit, or temporary authority, and the number of the Commission's docket assigned to the application upon which such certificate, permit, or temporary authority was issued or granted; or if application to engage in interstate or foreign commerce has been made but not granted, date of the application and the docket number.

(b) *Information respecting applicant, or each applicant, if there are two or more applicants, as follows:*

1. If applicant is a corporation:

(1) Date of incorporation and Government, State, or Territory of incorporation.¹

(2) Name and business address of directors.

(3) Name, title and business address of officers.

(4) Name and business address of 10 principal stockholders as of last record date and their respective holdings.

2. If applicant is a copartnership:

(1) Date on which copartnership was formed; and State and county in which it was formed.¹

(2) Name and business address of all present partners, including limited or silent partners and their respective interests.

3. If applicant is an association or other form of organization, except a corporation:

(1) Date of organization and place of organization.¹

(2) Full description of the nature and objectives of the organization.

* Issued pursuant to the authority contained in section 2 (a), 50 Stat. 72, 15 U.S.C. Supp., 829 (a).

¹ If the applicant is incorporated or organized under the laws of, or authorized to operate in, more than one State, Territory, or Federal District, give all pertinent facts as to such incorporation, organization, or authorization.

(3) Name, title and business address of officers and directors, or trustees.

(4) Name and business address of 10 principal stockholders or other owners, of whatever kind, of applicant.

4. If applicant is a trustee, receiver, assignee, or a personal representative of the real party in interest:

(1) The name and address of the court, if any, under the direction of which applicant is acting.

(2) Nature of the proceedings, if any, in which applicant was appointed.

(3) With respect to the real party in interest: The information required under (b) 1, 2, or 3, above, whichever is applicable.

5. If applicant is not a carrier:

(1) The information required under (b) 1, 2, 3, or 4 above, whichever is applicable.

(2) Applicant's charter powers.

6. The length of time applicant has been continuously engaged in the type of business in which it is now engaged; and, if applicant is not a carrier, particulars of its present and prospective activities which have or may have a relation to transportation subject to the Interstate Commerce Act or facilities used therein.

7. Whether or not applicant is controlled by any other corporation or corporations, and, if such control is held, state the name of the controlling corporation or corporations, the form of control, whether sole or joint, direct or indirect, and its extent.

8. The measure of control or ownership, if any, now exercised by applicant over any carrier corporation subject to the Interstate Commerce Act, or over the properties of such corporation.

9. If applicant, or the real party in interest, is part of a system or group of corporations or other persons, the relationship of the applicant, or of the real party in interest, to the members of such system or group, including the form and extent of such relationship, direct or indirect.

10. Whether there are any intercorporate relationships, not disclosed in responses to prior instructions, through holding companies, ownership of securities, or otherwise, direct or indirect, between applicant and any carrier or person affiliated with any carrier, or between any person affiliated with applicant and any carrier or person affiliated with any carrier, at the time of making the application; if so, the nature and extent of such relationship; and, if applicant owns securities of a carrier corporation or corporations subject to the Act, the name of the corporation, a description of the securities, and the par value of each class of securities held.

11. Whether any of the applicants or any of their affiliates have officers or directors in common with any other applicant or its affiliates; and, if so, a reference to the Commission's order, or

orders, if any, authorizing the holding of such positions in common, with the names of such officers or directors and the position held in each corporation.

12. The amount of applicant's outstanding capital stock, by classes, and in connection therewith the par value of each share, its voting rights, if any, the total number of stockholders of record, and the voting power of all security holders.

(c) *Information respecting the nature of the transaction proposed and the terms and conditions thereof as follows:*

1. The nature of the transaction, whether a consolidation or merger, or a purchase, lease, contract to operate properties, or any part thereof, of a carrier subject to part I or part III of the Act, or for acquisition of control of such carrier, or to acquire trackage rights over or joint ownership in, or joint use of, any railroad line or lines.

2. Briefly, the terms and conditions of the contract or agreement pursuant to which the proposed transaction is to be effected, including the manner in which it is proposed to consummate the transaction and the consideration, in money or otherwise, to be paid by applicant or applicants.

3. Whether there is any financial or other relationship, direct or indirect, not disclosed in responses to prior instructions, existing at the present time between applicant or applicants and the other party or parties to the transaction proposed; and, if so, a full explanation of such relationship.

4. The route, termini, and mileage of the lines to be consolidated, merged, purchased, leased, operated, or controlled, giving the principal points of interchange, with ports served in cases involving carriers subject to part III, and with main line mileage and branch line mileage shown separately in case of railroad properties.

5. Whether the property involved in the proposed transaction includes all the property of the applicants proposing a consolidation or merger, or of the carrier whose property it is proposed to purchase, lease, or operate, or control of which is proposed; and, if not, definitely what property is included in the proposed transaction.

6. Value of each of the properties involved in the proposed transaction as found by the Commission, or if such value has not been found by the Commission, as appraised for the purposes of the proposed transaction; and, separately, the net cost of additions and betterments made after the date of valuation or appraisal.

7. The policy and practice followed by each party to the transaction with respect to reserves for depreciation and similar reserves, including rates by classes of property.

8. The market value of any securities acquired or proposed to be acquired in consummating the proposed transaction;

or, if there be no ascertainable market value, the estimated value, giving the basis of the estimate.

9. If any of the property covered by the application is encumbered and applicant has agreed to assume obligation or liability in respect thereof:

(1) A description of the property encumbered.

(2) Amount of encumbrance and full description thereof, including maturity, interest rate, and other terms and conditions.

(3) Amount of encumbrance assumed or to be assumed by applicant.

10. If a consolidation or merger is proposed:

(1) The name of the company resulting from the consolidation or merger, and the State or Territory under the laws of which the consolidated company was formed.

(2) The capitalization proposed for the company resulting from the consolidation or merger; and, separately, the amount and character of capital stock and other securities to be issued.

(d) *Facts and circumstances relied upon to show that the proposed transaction is within the scope of section 5 (2) (a) of the Interstate Commerce Act, will be consistent with the public interest, and will otherwise be within the requirements of section 5, particularly:*

1. In case of any proposed transaction:

(1) To establish that the transaction covered by the application will be consistent with the public interest.

(2) To explain and properly support the financial considerations involved in the proposed transaction, including an explanation of economies, if any, to be effected in operation, and increase, if any, in traffic, revenues, earnings available for fixed charges, and net earnings, expected to result from the consummation of the proposed transaction.

(3) To show the effect of the proposed transaction upon adequate transportation service to the public.

(4) To establish that the increase, if any, of total fixed charges resulting from the proposed transaction would not be contrary to the public interest.

(5) To show the interest of the carrier employees affected.

(6) To establish that any guaranty or assumption of payment of dividends or fixed charges contemplated in the transaction is not inconsistent with the public interest.

2. Also, if the proposed transaction involves a railroad:

(1) To show the effect upon the public interest of the inclusion, or the failure to include, other railroads in the territory involved in the proposed transaction.

(2) To indicate what terms and conditions should be imposed by the Commission to meet the requirements of section 5 (2) (f) of the Interstate Commerce Act.

3. Also, in case of a transaction involving a carrier by water subject to part III of the Act, where any applicant is a carrier as defined in section 1 (3) of part I of the Act, or is a person controlling, controlled by, or under common control with such a carrier, to establish that the transaction is not within the inhibition of section 5 (14) of part I of the Act; or, if so, that the transaction will not prevent the common carrier by water or vessel involved from being operated in the interest of the public and with advantage to the convenience and commerce of the public and that it will not exclude, prevent, or reduce competition on the route by water under consideration.

II. REQUIRED EXHIBITS²

(a) *There shall be filed with the original application and as a part thereof, but not with copies, the following exhibits:*³

As Exhibit A, one or more of the following documents as may be appropriate:

One copy each of the charter or articles of incorporation, and the bylaws and amendments thereof, of each applicant corporation or carrier corporation involved in the proposed transaction, duly certified by the appropriate public officer.

A properly authenticated copy of the articles of copartnership, if any, of each copartnership which is a party to the transaction.

A properly authenticated copy of articles of association, trust agreement, or other documents evidencing organization of each association or other form of organization, except a corporation, which is a party to the transaction.

A properly authenticated copy of the order of the court or instrument appointing each trustee, receiver, assignee, or personal representative which is a party to the transaction.

As Exhibit B, a properly authenticated copy of the annual report, if any, to stockholders or shareholders for each of the two calendar or fiscal years preceding the filing of the application.

(b) *There shall be filed with the original application, and with each copy, as a part thereof, the following exhibits:*

As Exhibit 1, a copy of all resolutions of directors of each applicant and of each carrier which is a party to the transaction,

authenticated by a proper executive officer, authorizing the proposed transaction and, where applicable, the making of the application to the Commission for its approval and authorization; and, if the charter or bylaws of the applicant or carrier require approval of the stockholders, a copy of the resolutions of stockholders authorizing the proposed transaction and the making of the application; all such resolutions to be accompanied by sufficient transcripts of the minutes of meetings of the stockholders or directors of the applicant or carrier to show the number of shares entitled to vote, the number of shares voted for and against the resolutions, and the number of share-votes required to adopt the resolution.

As Exhibit 2, copy of all resolutions of stockholders or directors of the applicant, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed and verified, and filed on behalf of the applicant.

As Exhibit 3, if an organization other than a corporation is an applicant, documentary evidence showing authorization and designation of the individual or individuals signing, verifying, and filing on behalf of the applicant.

As Exhibit 4, if a trustee, receiver, assignee, or personal representative of the real party in interest is an applicant, a certified copy of the order, if any, of the court having jurisdiction, authorizing the contemplated action.

As Exhibit 5, opinion of counsel of applicant or of the applicants and carriers, that the transaction described in the application meets the requirements of the law and will be legally authorized and valid, if approved by the Commission with specific reference to any specially pertinent provisions of applicant's, or applicant's and carrier's, charter or articles of incorporation.

As Exhibit 6, a general or key map indicating clearly, in separate colors, or otherwise, on a suitable scale, preferably not smaller than 20 miles to the inch, the line or lines, route or routes, of each applicant and of each carrier, if any, other than the applicant or applicants, involved in the proposed transaction, and distinguishing such parts of the line or lines of each carrier as are included in the proposed transaction in their true relation to each other, showing, where lines of railroad are involved, short-line connections, and, in general, other rail lines in the territory, and the principal geographic points of the region traversed. Whenever possible, this map should not be over 30 inches in its largest dimension. There shall also be furnished three extra copies of the map, unbound, for the use of the Commission.

As Exhibit 7, copy of any contract or other written instrument entered into,

or proposed to be entered into pertaining to the transaction covered by the application.

As Exhibit 8, a general balance sheet statement of each applicant or carrier as of the latest practicable date prior to the filing of the application; also, in case of a proposed purchase, consolidation, or merger, a balance sheet statement, actual or constructed, giving effect to the proposed transaction or showing the estimated effect of the consummation of the transaction proposed.

As Exhibit 9, a duly authenticated copy of income statement and profit and loss statement of each applicant and carrier involved in the proposed transaction for each of the preceding five calendar years, and for the months of the current year for which the figures are available; also, in case of a proposed consolidation or merger, a constructed profit and loss statement for the current calendar year to date, giving effect to the proposed transaction for such period and showing all adjustments or eliminations, or adjustments and eliminations, which would have resulted from the proposed transaction during such period.

As Exhibit 10, a statement to illustrate the relationship described in I (b) (9) above, showing in graphic or tabular form, the members of the system or group and indicating by notation or otherwise the various degrees of relationship.⁴

As Exhibit 11, a statement showing for each water carrier involved in the transaction the property covered by the application, including detailed description, number of units (of equipment only) and ledger value, or estimated value where ledger value is not available.

As Exhibit 12, where a water carrier is a party to the proposed transaction, if there has been an appraisal of any or all of the properties of the water carrier involved in, and in connection with, the proposed transaction, a copy of such appraisal.

III. FORM AND STYLE

(a) The application and exhibits shall conform with Rule XXI, paragraphs (a) to (c), inclusive, of the Rules of Practice.⁴

(b) Exhibits shall be typewritten or printed and may be of any convenient size, but shall be folded to conform to the size of the application.

(c) The application should show the headings and subheadings indicated above. Where a subheading is not applicable, the application should so state. All information required must be given unless neither known nor available to the applicant. In such case, however, explicit statement to such effect shall be made in the application in lieu of the omitted material, setting forth the reasons why the information is neither known nor available.

⁴ 49 CFR 1.21.

² Where two or more exhibits bear the same letter or number, distinguish them by giving the second and each additional exhibit a distinguishing number or letter as, Exhibit A, Exhibit A-1, Exhibit A-2, etc., Exhibit 1, Exhibit 1-a, Exhibit 1-b, etc.

³ If documents here requested have been previously filed in connection with an application under section 1 (18), 5, or 20a of part I of the Act, it will be sufficient to make reference to the Finance Docket number under which filed, provided that any change or changes occurring in such documents since the filing thereof shall be shown in an exhibit identified to correspond with the specific exhibit requested.

IV. PROCEDURE

(a) The original application shall be signed in ink by the applicant, if an individual; by all partners, if a copartnership, and if a corporation, association or other similar form of organization, by its president, vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall show that the affiant is duly authorized by the applicant to verify and file the same.

(b) There shall be filed with the Secretary of the Commission, Washington, D. C., the original application, and 20 copies thereof for the use of the Commission. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted. In like manner where certified copies of documents are filed with the original application, conformed copies thereof, showing certification in stamped or typewritten form, will be sufficient to accompany the additional copies of the application.

(c) The applicant shall submit such additional information to support its application as the Commission may require.

(d) The Commission, upon receipt of an application and accompanying exhibits in proper form, will cause notice to be given to the Governor of each State in which any part of the properties of the carriers involved in the proposed transaction is situated and, in case of a water carrier, in which any port served by such carrier is located, (also, in cases involving railroad properties, to the Public Service Commission of each such State), together with an inquiry as to whether such Governor or other appropriate State authority desires to make representation in the matter.

(e) The Commission, if it shall consider it necessary in order to determine whether the findings required for the entry of an order approving and authorizing the transaction may properly be made, and in all cases where a carrier by railroad is involved, will order a hearing upon the application, giving notice thereof to the applicant or applicants, to the carrier or carriers whose properties are involved in the proposed transaction, to the State authorities of each State in which any part of the property of the carriers involved in the proposed transaction is situated and, in case of a water carrier, in which any port served by such carrier is located, and to the public.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 40-4654; Filed, October 30, 1940;
11:42 a. m.]

*The applicant should be prepared to furnish copies of the application to State authorities and interveners upon request.

Notices

WAR DEPARTMENT.

SUMMARY OF CONTRACT FOR CONSTRUCTION¹

E. I. DU PONT DE NEMOURS & COMPANY

This agreement, entered into this 17th day of July 1940, by the United States of America (hereinafter referred to as "the Government") represented by the Contracting Officer executing this contract for the construction and operation of the plant, and E. I. du Pont de Nemours & Company, a corporation organized and existing under the laws of the State of Delaware (hereinafter referred to as "the Contractor"),

The contractor shall proceed to exercise options which it now possesses for the acquisition of approximately 4,500 acres of land at or near Charlestown, Indiana; shall design and prepare all plans, drawings and specifications; and, under the general supervision of the Contracting Officer, the Contractor shall procure the necessary labor and materials, and shall construct on said site a plant (hereinafter referred to as "the Plant") for the manufacture of nitrocellulose smokeless powder.

It is estimated that the total cost of the construction work aforesaid will be approximately Twenty-four Million Six Hundred Thousand Dollars (\$24,600,000.00) (not including the cost of acquiring land and the Contractor's compensation), and that the Plant will be ready for commencing the manufacture of powder within ten (10) months from the date of this agreement.

As each section of the Plant is completed and ready for operation in conjunction with the Plant as a whole, the Contractor shall proceed to operate it for the production of the smokeless powder in the quantities set forth in this Article.

Upon written notice to the Contractor the Government may authorize the continued operation of the Plant for a period of one year after manufacture of the initial quantity of _____ pounds; and the Contractor shall undertake such continued operation under the terms and conditions of this agreement.

The Government shall bear all costs and expenses of every character and description incurred by the Contractor in connection with the construction and operation (including equipment, alteration, maintenance, and closing-down) of the Plant or any part thereof.

Promptly after the execution of this agreement and thereafter as may be required the Government, at the request of the Contractor and subject to the approval of the Contracting Officer, shall advance to the Contractor, without payment of interest thereon by the Contractor, not to exceed a total sum repre-

sented thirty per cent (30%) of the estimated cost of constructing the Plant.

Upon notice from the Contractor that the purchases of supplies for operation of the plant are about to be begun, the Government, at the request of the Contractor and subject to the approval of the Contracting Officer, shall advance to the Contractor, without payment of interest thereon by the Contractor, not to exceed a total sum representing thirty per cent (30%) of the estimated cost of the initial quantity of powder to be produced hereunder.

As compensation for designing and constructing said Plant, the Contractor shall receive a fee of Five Hundred Thousand Dollars (\$500,000.00).

As compensation for the maintenance and operation of said Plant, the Contractor shall receive one and three-fourth cents (1 $\frac{3}{4}$ ¢) per pound of powder manufactured hereunder in conformity with specifications.

The title to all parts of the Plant and to all materials, including the finished product, shall at all times be vested in the Government.

Termination by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized under the following listed Acts of Congress:

Public No. 703 76th Congress, approved July 2, 1940

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following listed Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

P. A. Q. M. 8724-P99-A 0540.063-N
P. A. Ord. 6339-P11-0270A 1005-01

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 40-4632; Filed, October 29, 1940;
2:43 p. m.]

SUMMARY OF CONTRACT FOR CONSTRUCTION¹

OWEN-AMES-KIMBALL CO., GRAND RAPIDS,
MICHIGAN

Contract for: Temporary Buildings.
Amount, \$2,025,350.00.

Place: Fort Custer, Michigan.

¹U. S. Standard Form No. 23—Rev. Approved by the Secretary of the Treasury; Revised September 17, 1938; Contract No. W 6113 QM-1; O. I. #29.

¹W-ORD-458.

Payment to be made by the Finance Officer, U. S. Army, Fort Custer, Michigan.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 8914 P 1-3211 A 0540.063-N, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this seventeenth day of August, 1940, by The United States of America, hereinafter called the Government, represented by the contracting officer executing this contract, and Owen-Ames-Kimball Co. a corporation organized and existing under the laws of the State of Michigan of the city of Grand Rapids in the State of Michigan hereinafter called the contractor, witnesseth that the parties hereto do mutually agree as follows:

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials, and perform the work for the construction and completion of Temporary Buildings, including the utilities thereto, at Fort Custer, Michigan, in strict accordance with Items 1, 7, 9, 11, 12, 13, 14, 16, 17, and 18, of his proposal, all as set forth in Schedule "A" attached hereto and made a part of this contract, for the consideration of two million, twenty-five thousand, three hundred fifty dollars and no cents (\$2,025,350.00), in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof and designated as follows:

(a) Specification No. 1692-E (Revised July 22, 1940),

(b) Addenda numbered CQM-1 dated August 2, 1940, CQM-2 dated August 6, 1940, CQM-3 dated August 9, 1940, CQM-4 dated August 9, 1940, and CQM-5 dated August 14, 1940,

(c) Plans as listed in Schedule "A" attached hereto and made a part of this contract.

The work shall be commenced two (2) calendar days after date of receipt of notice to proceed, and shall be completed within ninety (90) calendar days after the date of receipt of such notice, to-wit, on or before November 15, 1940.

Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

This contract is authorized by the acts of First Supplemental National Defense Appropriation Act, 1941, Public No. 667, 76th Congress, approved June 26, 1940.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 40-4633; Filed, October 29, 1940; 2:43 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-44]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE ENOS COAL MINING COMPANY'S SEVEN STAR MINE

NOTICE OF AND ORDER POSTPONING AND CONSOLIDATING HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party; and

By order of the Director, dated October 2, 1940, a hearing in the above entitled matter having been scheduled for October 22, 1940 at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

The petitioner herein having thereafter, by letter to the Director dated October 11, 1940, requested a postponement of the hearing for the following reasons:

"Before the District Board can appear and offer evidence at the hearing for a permanent order, it will be necessary to take samples of this coal at the mine and have analyses made thereof, and then to consider the analyses and other pertinent data at a meeting of the District Board.

"The District Board is of the opinion that samples of the coal currently being produced at this mine should not be used for analytical purposes, for the following reasons:

"(1) this mine has only operated eight days since it was opened;

"(2) coal is currently being produced along the crop line, and this coal is inferior in quality to that which will be produced as they reach heavier overburden;

"(3) code member has not yet, even with the coal now being produced, had sufficient experience with the washing equipment to obtain maximum plant efficiency.

"To sample coal under these conditions might result in proposing a permanent price classification that would favor the code member and work irreparable injury to its competitors."; and

By order of the Director a hearing in Docket A-115, which likewise concerns the classification and pricing of previously unclassified and unpriced coal produced in District No. 11, having been scheduled for December 2, 1940 at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.;

It is ordered, That the hearing in the above entitled matter, Docket No. A-44, be postponed, and that it be consolidated for hearing with the matters in Docket No. A-115, and that the hearing be held on December 2, 1940 at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Wash-

ington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That the time for the filing of petitions of intervention is extended to November 26, 1940.

Dated: October 28, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4635; Filed, October 29, 1940; 3:55 p. m.]

[Docket No. A-115]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS FOR WASHED COAL, SIZE GROUPS 17 TO 25 FOR MINE INDEX NO. 47

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition dated October 7, 1940, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by District Board No. 11 with this Division;

It is ordered, That the above-entitled matter, which concerns the proper classification and pricing of previously unclassified and unpriced coal produced in District No. 11, be consolidated for hearing with Docket A-44, which likewise concerns the classification and pricing of previously unclassified and unpriced coal produced in District No. 11, and that the hearing be held on December 2, 1940, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other party herein and to such persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceed-

ings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 26, 1940.

The matter concerned herewith is in regard to a petition filed by the Bituminous Coal Producers' Board for District No. 11 requesting the establishment of price classifications for washed coal, Size Groups 17 to 25, inclusive, for Mine Index 47, which prices are stated to be made necessary by the installation of washing facilities at that mine.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern in addition to the matters specifically alleged in the petition of District Board No. 11 other matters incidental and related thereto whether raised by amendment of the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That a reasonable showing of necessity therefor having been made, pending the final disposition of the petition in the above-entitled proceedings, temporary relief be and the same is hereby granted, as follows: Commencing forthwith, the coals of Mine Index 47, District 11, in Size Groups 17-25, inclusive, shall be and hereby are priced for All Shipments Except Truck and also For Truck Shipments as set forth in Schedule "A" annexed hereto and made a part hereof: *Provided, however,* That said prices for Mine Index 47, in Size Groups 17-25, inclusive, for all shipments except truck, shall be subject to the same adjustments, for movement to the various Market Areas, as are the prices for Mine Index 47 in all other Size Groups, as set forth in the Schedule of Effective Minimum Prices for District 11 For All Shipments Except Truck.

Notice is hereby given that applications to stay, terminate or modify temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 28, 1940.

[SEAL] H. A. GRAY,
Director.

Schedule A

Size groups	Price table numbers					
	1	2	3	4	5	6
17-----	178	200	190	190	173	153
18-19-20-----	168	190	180	180	163	143
21-----	173	195	185	185	168	148
22-----	163	185	175	175	158	138
23-----	163	185	175	175	158	138
24-----	153	175	165	165	148	128
25-----	128	150	140	140	123	103

[F. R. Doc. 40-4636; Filed, October 29, 1940; 3:55 p. m.]

[Docket No. A-184]

PETITION OF A. E. AKENHEAD (A. & A. COAL CO.) FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF HIS A. & A. COAL CO. MINE, MINE INDEX NO. 1952, DISTRICT NO. 4 IN SIZE GROUPS 6, 7 AND 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 2, 1940, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 26, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of A. E. Akenhead (A. & A. Coal Co.) for reduction of the effective minimum prices established for his A. & A. Coal Co. mine, mine index number 1952, District No. 4 in Size Groups 6, 7 and 8 to \$2.25, \$1.85 and \$1.65 respectively for shipment by truck into all market areas.

Dated: October 28, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-4637; Filed, October 29, 1940; 3:55 p. m.]

[Docket Nos. A-10, A-21, A-58, A-179]

PETITION OF THE MIDDLE RIVER COAL COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES IN DISTRICT 15 FOR RAW COAL; PETITION OF THE J. T. HILL COAL COMPANY FOR REVISION OF EFFECTIVE MINIMUM PRICES FOR LOCOMOTIVE FUEL FOR MINES IN PRODUCTION GROUP 3 OF DISTRICT 15; PETITION OF THE ADAIR COUNTY OPERATORS ASS'N. FOR REVISION OF EFFECTIVE MINIMUM PRICES OF PRODUCERS IN ADAIR COUNTY, MISSOURI; PETITION OF OLLIE A. HURLEY, HUGH THORN, ET AL. FOR REVISION OF EFFECTIVE MINIMUM PRICES OF PRODUCERS IN PUTNAM COUNTY, MISSOURI

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING, IN PART, TEMPORARY RELIEF

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named parties;

It is ordered, That hearings in the above entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 12, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, City Council Chamber, 310 N. Clark St., Moberly, Missouri.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearings in such matters. The officers so designated to preside at such hearings are hereby authorized to conduct said hearings, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiries, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearings is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party

herein. Any person desiring to be admitted as a party to these proceedings may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1940.

The matters concerned herewith are in regard to: (1) The matter of reducing the effective minimum price applicable to raw coal shipped by producers within District 15, particularly to shipments of the Middle River Coal Company. (2) The matter of reducing the effective minimum price applicable to raw ramp-loaded locomotive fuel shipped by producers in Production Group No. 3 of District 15, particularly to shipments of the J. T. Hill Company. (3) The matter of reducing the effective minimum price applicable to all coal, especially raw coal, produced by Code members shipping by truck in Adair County, particularly certain members of the Adair County Operators' Ass'n., namely, Corrigan Coal Co., Blacksmith Coal Co., Rose Hill Coal Co., Simler Bluff Coal Producers' Ass'n., Connelville Fuel Co. (4) The matter of reducing the effective minimum price applicable to Size Groups 1, 2, 3, 4 and 9 produced by Code members shipping by truck in Putnam County, particularly by Ollie A. Hurley, Hugh Thorn, et al.

All persons are hereby notified that the hearings in the above entitled matters and any orders therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petitions.

It is further ordered, That, a reasonable showing of necessity having been made, pending the final disposition of the petition of the Adair County Operators' Association, Docket No. A-58, and the petition of Ollie A. Hurley and Hugh Thorn, et al., Docket No. A-179, that temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, the effective minimum prices established for Code members in Macon County shipping by truck are established as the effective minimum prices for Code members in Adair County shipping by truck, except for shipments into Iowa in which case the effective minimum prices set forth in the Effective Minimum Price Schedule for Truck Shipments for District 15, Adair County Code members, are applicable; and

Commencing forthwith, the effective minimum prices established for Code

members in Putnam County shipping by truck for sizes in Size Groups 1, 2, 3, 4 and 9 are reduced to 240 cents per net ton.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 29, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4644; Filed, October 30, 1940;
10:11 a. m.]

[Docket Nos. A-191, A-195]

PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 68, DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 32, 33, 35-38, INCLUSIVE; PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 20, 21, AND 30-38, INCLUSIVE.

MEMORANDUM AND ORDER CONCERNING PETITIONS OF INTERVENER BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10, AND NOTICE OF AND ORDER FOR HEARING CONCERNING TEMPORARY AND PERMANENT RELIEF.

Original petitions in the above-entitled matters were respectively filed with this Division by the original petitioners therein on October 21, 1940, and October 22, 1940. On October 23, 1940, the Director scheduled, for October 30, 1940, an informal conference on the prayers for temporary relief in both of these matters, upon due notice to the interested parties and Consumers' Counsel.

On October 26, 1940, District Board 10 ("the intervener") filed petitions of intervention in the above-entitled matters with this Division. These petitions pray that the informal conference scheduled for October 30, 1940, be cancelled, and that the original petitions be dismissed for failure to comply with the requirements of the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act; or, in the alternative, that the informal conference be cancelled and the matters set for hearing on the question of temporary relief at a date not earlier than Monday, November 11, 1940.

In its petitions in the above-entitled matters, the intervener alleges that the original petitions do not conform to the

requirements of the rules and regulations governing practice and procedure before the Division in 4 II (d) proceedings in that they fail to meet the requirements of Parts 301.102 (b) (1) (i) and 301.106 (a) thereof; that the original petitions in the above-entitled matters pray for modifications of the effective minimum prices for coals which are competitive with coals produced in District 10, and that the effectuation of such modifications would destroy existing fair competitive opportunities for coals produced in District 10; that the matters involved in the original petitions are of such far-reaching and fundamental character and will so greatly affect presently existing competitive situations between producers in Districts 10 and 11 that no order for temporary relief therein should be issued until after a hearing has been held and evidence received, upon the basis of which the Director may make findings of fact in support of such action as he may take; that if a hearing on the prayers for temporary relief is granted, at least a week should be permitted to intervene to prepare for its participation in such hearing.

Upon consideration of the questions raised by the original petitions in the above-entitled matters and of the considerations urged by the intervener in its petitions of intervention therein, the Director is of the opinion that the interests of all parties will best be served by disposing of the question of temporary, as well as permanent, relief after a hearing at which evidence may be received and upon the basis of which findings of fact may be made, rather than through the medium of an informal conference; accordingly

It is ordered, That the informal conference upon the prayers for temporary relief in the above-entitled matters, scheduled for October 30, 1940, be cancelled and that a hearing on the questions of temporary and permanent relief therein, under the applicable provisions of said Act and the rules of the Division, be held on November 7, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N.W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact

and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 6, 1940.

The matter concerned herewith is in regard to the revision of the effective minimum prices for the coals of District 11 for shipment to Market Areas 20, 21 and 30-38, inclusive, by allowing deductions in mine prices based upon differences in freight rates among District 11 mines for movement thereto.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petitions herein.

Dated: October 28, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4645; Filed, October 30, 1940;
10:11 a. m.]

[Docket No. A-94]

PETITION OF GLEN ALUM COAL COMPANY
FOR EXTENSION OF INDUSTRIAL PRICES
TO HOWE SCHOOL, AND IN THE MATTER
OF THE INDUSTRIAL PRICES FOR DIS-
TRICTS 7, 8, 9, AND 13

NOTICE OF AND ORDER FOR HEARING AND
ORDER DENYING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 25, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N.W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

(1) The petition of Glen Alum Coal Company on behalf of Howe School that the minimum f. o. b. mine prices established for industrial coal shall apply to coal purchased by Howe School, a consumer which regularly buys and receives coal in carload quantities for its own use, but which does not have physical railway or waterway connections for receiving coal;

(2) The application and extent of Price Instruction No. 12, in the Schedule of Effective Minimum Prices For All Shipments Except Truck for Districts 7 and 8, and the similar Price Instruction No. 9 for Districts 9 and 13, in the light of this petition and in the light of any other petitions which may be filed herein, requesting industrial prices for particular consumers; the desirability of retaining or modifying these price instructions.

Petitioner having requested that temporary relief be granted pending the dis-

position of the petition, and an informal conference having been held on October 15, 1940, on notice to interested persons, and the Director having considered the request for temporary relief and the views expressed in support thereof by the petitioner, and the Director being of the opinion that petitioner has not made an adequate showing that it is clearly entitled to the industrial prices, as provided in Price Instruction No. 12 to the Schedule of Effective Minimum Prices for District 8,

Now, therefore, it is ordered, That the petition for temporary relief is denied.

Dated: October 29, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4646; Filed, October 30, 1940;
10:12 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

PUERTO RICO SUGAR QUOTA, 1941

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, and on the basis of the information now before me, I, Paul H. Appleby, Acting Secretary of Agriculture, do hereby find that the allotment of that portion of the 1941 sugar quota for Puerto Rico for consumption in the continental United States which may be filled by direct-consumption sugar, pursuant to section 207 (b) of the said act, is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States, and hereby give notice that a public hearing will be held at Washington, D. C., in Room 1039, South Building, United States Department of Agriculture, on November 12, 1940, at 9:30 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the above-mentioned portion of the 1941 sugar quota for Puerto Rico among persons who bring such sugar into the continental United States.

Robert H. Shields, John C. Bagwell, and E. T. MacHardy are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 30th day of October 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4655; Filed, October 30, 1940;
11:45 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 454]

IN THE MATTER OF THE JOINT APPLICATION OF PAN AMERICAN AIRWAYS, INC., PAN AMERICAN AIRWAYS COMPANY (NEVADA), PAN AMERICAN AIRWAYS COMPANY (DELAWARE), PACIFIC ALASKA AIRWAYS, INC., PANAMA AIRWAYS, INC., UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938 FOR APPROVAL OF THE ACQUISITION BY PAN AMERICAN AIRWAYS, INC., OF THE CONTROL OF CERTAIN AIR CARRIERS AND CERTAIN PERSONS ENGAGED IN OTHER PHASES OF AERONAUTICS THAN AS AIR CARRIERS AND FOR THE TRANSFER TO IT UNDER SECTION 401 (I) OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN AIR CARRIERS MERGED

NOTICE OF HEARING¹

The above-entitled proceeding is hereby assigned for public hearing on October 31, 1940, at ten o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., October 28, 1940.

[SEAL] FRANK A. LAW, JR.,
Examiner.

[F. R. Doc. 40-4643; Filed, October 30, 1940; 10:11 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4095]

IN THE MATTER OF LOUIS BASKIND AND COMPANY, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 4, 1940, at ten o'clock in the forenoon of that day (eastern standard time), Room 30, U. S. Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial

Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4650; Filed, October 30, 1940; 11:26 a. m.]

[File No. 21-328]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE HOSIERY INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1940.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups, or other parties affected by or having an interest in the proposed trade practice rules for the Hosiery Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Matters submitted in writing should be filed with the Commission not later than November 19, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., November 19, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4651; Filed, October 30, 1940; 11:26 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2764]

IN THE MATTER OF THE CENTRAL FOUNDRY COMPANY 5% CONVERTIBLE GENERAL MORTGAGE BONDS, DUE SEPTEMBER 1, 1941

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1940.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Convertible General Mortgage Bonds, due September 1, 1941, of The Central Foundry Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 8, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4659; Filed, October 30, 1940; 11:50 a. m.]

[File No. 1-1301]

IN THE MATTER OF PIERCE OIL CORPORATION 8% CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1940.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 8% Cumulative Convertible Preferred Stock, \$100 Par Value, of Pierce Oil Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 8, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4658; Filed, October 30, 1940; 11:50 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY; SAN DIEGO CONSOLIDATED GAS & ELECTRIC COMPANY

ORDER APPROVING EXTENSION OF EXPIRATION DATE

At a regular session of the Securities and Exchange Commission, held at its

¹ Issued by the Civil Aeronautics Board.
No. 213—3

office in the City of Washington, D. C., on the 29th day of October, A. D. 1940.

An order having been entered by the Commission on August 22, 1940 inter alia approving a Plan filed by Standard Gas and Electric Company pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935;

A further order having been entered on September 27, 1940 approving the extension from September 30, 1940 to October 31, 1940 of the date of expiration of the certain offer of exchange set forth in said Plan;

A petition having been filed on October 26, 1940 by Standard Gas and Electric Company for approval of the extension of said expiration date to November 30, 1940;

The Commission deeming such extension fair and equitable to the persons affected thereby;

It is ordered, That the postponement of the said expiration date to November 30, 1940 be and it hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4657; Filed, October 30, 1940;
11:50 a. m.]

[File No. 70-190]

IN THE MATTER OF LOUISIANA ICE &
ELECTRIC COMPANY, INC.

NOTICE REGARDING FILING SUBJECT TO
RULE U-8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1940.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than November 9, 1940, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration, which is on file in the

office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Louisiana Ice & Electric Company, Inc., proposes to make an extension of that certain Serial Collateral Note due December 30, 1940, in the principal amount of \$69,000, which Note is now owned by the City National Bank and Trust Company of Chicago, for an additional term of four years, making the maturity thereof December 30, 1944. The extended Note is to bear interest during such extended period at the rate of 4% per annum (instead of the present rate of 3½%) and to be subject to prepayment on the first day of any calendar month upon thirty days' written notice, at the principal amount thereof, without premium.

Louisiana Ice & Electric Company, Inc., also proposes to borrow \$50,000 from the City National Bank and Trust Company of Chicago in January, 1941 on its Note bearing interest at the rate of 3½% per annum. The term of such proposed bank loan will be approximately five months and will be repaid in June, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4660; Filed, October 30, 1940;
4:50 a. m.]